

17611 U.S. PTO  
07/11/03

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>		Attorney Docket No. 35718/260673
(Only for new nonprovisional applications under 37 CFR 1.53(b))		First Inventor Herrmann
		Title ORALLY ACTIVE PESTICIDAL BIOPEPTIDES
		Express Mail Label No. EV 184330528 US

ADDRESS TO: MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors: Rafael Herrmann; Albert L. Lu; Billy Fred McCutchen; James K. Presnail; James F.H. Wong

Assignee of this invention is E.I du Pont de Nemours and Company  
1007 Market Street  
Wilmington, DE 19898

1.  The Filing Fee has been calculated as shown below:
2.  Applicant claims Small Entity Status. See 37 CFR 1.27.

No. Filed	No. Extra	Small Entity Rate	Fee 0	Large Entity Rate	Fee 1
BASIC FEE			\$ 0		\$ 750
TOTAL CLAIMS: 37 - 20 =	17	X 9 = \$ 0		x 18 = \$ 306	
INDEP CLAIMS: 9 - 3 =	6	X 42 = \$ 0		x 84 = \$ 504	
[ <input type="checkbox"/> ] MULTIPLE DEPENDENT CLAIMS PRESENTED		+140 = \$		+280 = \$	
*If the difference in Column 1 is less than zero, enter "0" in Column 2.		TOTAL	\$	TOTAL	\$ 1560

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 16-0605.

- a.  Fees required under 37 CFR 1.16 (National filing fees).
  - b.  Fees required under 37 CFR 1.17 (National application processing fees) including any extension of time fees under 37 CFR § 1.136(a) that are required for consideration of papers filed during prosecution.
- A check in the amount of \$ 1,560.00 for the filing fee is enclosed.  
 The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3.  Specification; Total Pages 84
  4.  14 Sheets of Drawing(s) (35 USC 113)
  5.  Declaration and Power of Attorney; [Total Pages   ]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*  
 i.  DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
  6.  Application Data Sheet. See 37 CFR 1.76
  7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
  8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

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- a.  Computer Readable Copy (CRF)
- b.  Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)
- c.  Specification Sequence Listing on:
  - i.  CD-ROM or CD-R (2 copies); or
  - ii.  Paper (15 Pages)
- d.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

- 9.  Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
- 10.  37 CFR 3.73(b) Statement (*when there is an assignee*);  Power of Attorney
- 11.  English Translation Document (*if applicable*)
- 12.  Information Disclosure Statement (IDS)/PTO-1449; \_\_\_ Copies of IDS Citations
- 13.  Preliminary Amendment
- 14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
- 15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
  - Foreign Priority is claimed as Application No. \_\_\_, filed
- 16.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB35 or its equivalent.
- 17.  Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
- 18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:  
 Continuation       Divisional       Continuation in Part (CIP)  
 of prior Application No: \_\_\_; Filed

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

**CUSTOMER NUMBER 29122**

Signature:

Attorney/Agent of Record: Leslie T. Henry

Attorney/Agent Registration No. 45,714

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Date of Deposit July 11, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Lynda-Jo Pixley

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Herrmann
	Title	ORALLY ACTIVE PESTICIDAL BIOPEPTIDES
	Atty Docket Number	35718/260673

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 11, 2003

Date

Signature

Leslie T. Henry

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

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